

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Terry Marioth,

Plaintiff,

v.

Thomas Maynard, *et al.*,

Defendants.

Case No: 2:22-cv-47

Judge Graham

Magistrate Judge Vascura

Order

This matter is before the Court on the magistrate judge's January 12, 2022 Report and Recommendation, which recommended that plaintiff's application to proceed *in forma pauperis* be denied and that plaintiff pay the filing fee within 14 days if we wished to proceed with this lawsuit. The Report and Recommendation specifically advised plaintiff that failure to object to the Report and Recommendation within 14 days would result in a waiver of the right to have the Court review the Report and Recommendation *de novo*, and would operate as a waiver of the right to appeal the decision of the Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Plaintiff has not filed any objections, nor has he paid the filing fee. Accordingly, the Court ADOPTS the Report and Recommendation (doc 2), and plaintiff's application to proceed *in forma pauperis* (doc.1) is DENIED. This action is hereby dismissed. The Clerk of Court is instructed to terminate this case.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: February 8, 2022